

1
2
3
4
5

6 IN THE UNITED STATES DISTRICT COURT

7
8

FOR THE NORTHERN DISTRICT OF CALIFORNIA

9
10

FCI CONSTRUCTORS, INC./CLEVELAND
BRIDGE CALIFORNIA, INC., a Joint
Venture,

No. C 03-2772 JSW

11
12

Plaintiff,

v.

13 CHONGQING WANQIAO CABLE CO.,
14 LTD.,

Defendant.

**ORDER GRANTING
PLAINTIFF'S MOTION TO
STRIKE DEFENDANT'S
ANSWER**

15
16
17
18
19
20
21
22
23
24
25
26
27
28

Now before the Court is the motion filed Plaintiff FCI Constructors, Inc./Cleveland Bridge California, Inc to strike the answer filed by Defendant Chongqing Wanqiao Cable Co., Ltd. and enter default. Defendant has not filed any opposition. The Court finds the motion suitable for disposition without oral argument. N.D. Civ. L.R. 7-1(b). Accordingly, the hearing set for October 28, 2005, is HEREBY VACATED.

On June 7, 2005, Defendant filed an answer. Defendant's answer was signed by its "representative," Wan Kaiyun. It is unclear whether Kaiyun is an attorney. Regardless, Kaiyun is not a member of the State Bar of California and has not been admitted to practice before this Court. (Declaration of Marissa A. Bejarano, ¶¶ 2, 4, Ex. 1.) Artificial entities may appear in the federal courts only through licensed counsel. *Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993). The Civil Local Rules provide that: "A corporation, unincorporated association, partnership or other such entity may appear only

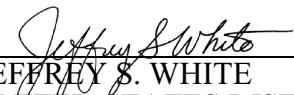
1 through a member of the bar of this Court.” *See* Civ. L.R. 3-9. Thus, Plaintiff moves to strike
2 Defendant’s answer as improper.

3 Local Civil Rule 3-11 provides further support for striking Defendant’s answer. Civil
4 Local Rule 3-11(b) authorizes the Court to strike an answer without prejudice when “(1) Mail
5 directed to the attorney or *pro se* party by the Court has been returned as not deliverable; and (2)
6 The Court fails to receive within 60 days of this return a written communication from the
7 attorney or *pro se* party indicating a current address.” On October 15, 2005, mail sent to Kaiyun
8 by the Court was returned as undeliverable. Kaiyun has not informed the Court of a current
9 address and more than sixty days has passed since the mail was returned as undeliverable.
10 Accordingly, pursuant to Local Civil Rule 3-11(b), the Court STRIKES the answer without
11 prejudice.

12 Defendant shall have until November 14, 2005 to file a proper answer. If Defendant
13 does not file an answer by this date, the Court will enter default against it.

14 **IT IS SO ORDERED.**

15
16 Dated: October 24, 2005
17
18 For the Northern District of California
19
20
21
22
23
24
25
26
27
28


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

